

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DOUGLAS J. JOHNSON,	:	CIVIL ACTION
	:	NO. 1:17-CV-252
Plaintiff,	:	
	:	
v.	:	
	:	
AMERIGAS PROPANE, L.P. and	:	ANSWER AND DEFENSES
KATHY L. PRIGMORE,	:	TO PLAINTIFF'S COMPLAINT
	:	
Defendants.	:	
	:	

Defendants AmeriGas Propane, L.P. (“AmeriGas”) and Kathy L. Prigmore (“Prigmore”) (collectively, “Defendants”), by and through their undersigned attorneys, hereby respond to the Complaint of Plaintiff Douglas J. Johnson (“Plaintiff”) as follows:

PARTIES AND JURISDICTION

1. Defendants deny that 42 U.S.C. § 2000e-5 is a proper basis for jurisdiction in this Court.
2. Defendants lack knowledge or information sufficient to admit the allegations contained in Paragraph 2 concerning where Plaintiff resides.
3. Admitted.
4. The allegations in Paragraph 4 are conclusions of law to which no response is required.
5. The allegations in Paragraph 5 are conclusions of law to which no response is required.
6. The allegations in Paragraph 6 are conclusions of law to which no response is required.

7. Defendants admit that Plaintiff purports to be complaining of termination of his employment and alleged retaliation. The remaining allegations of paragraph 7 are denied.

FACTS

8. Defendants admit that Plaintiff's employment with AmeriGas was terminated on or about March 3, 2011. The remainder of Plaintiff's allegations are not coherently stated, and as such, Defendants are unable to specifically respond to each factual allegation lodged in this Paragraph of Plaintiff's Complaint. To the extent that Plaintiff is alleging that Defendants engaged in improper or illegal activity, such allegations are denied. To the extent that Plaintiff is alleging that he reported alleged violations of federal securities laws prior to termination of his employment, such allegations are also denied. Defendants lack knowledge or information sufficient to admit the remainder of the allegations contained in Paragraph 8 and therefore deny such allegations.

9. CAUSES OF ACTION.

FIRST CAUSE OF ACTION:
DAMAGES FOR VIOLATION OF THE WHISTLEBLOWER PROVISIONS OF DODD FRANK

Denied.

SECOND CAUSE OF ACTION:
DAMAGES FOR VIOLATION OF THE WHISTLEBLOWER PROVISIONS OF DODD FRANK

Denied.

10. Defendants lack knowledge or information sufficient to admit the truth of the allegations in Paragraph 10.

11. Defendants lack knowledge or information sufficient to admit the truth of the allegations in Paragraph 11.

12. The allegations in Paragraph 12 state conclusions of law to which no responsive pleading is required.

13. The allegations in Paragraph 13 state conclusions of law to which no responsive pleading is required.

14. The allegations in Paragraph 14 state conclusions of law to which no responsive pleading is required.

15. Defendants deny that Plaintiff is entitled to any of the relief he demands set forth in the Complaint.

DEFENSES

1. To the extent that Plaintiff's claims are based on conduct that occurred prior to March 3, 2011, such claims are barred, in whole or in part, by the statute of limitations.

2. At all times relevant hereto, Defendants acted in good faith and have not violated any rights which may be secured to Plaintiff under any federal, state, or local laws, rules, regulations or guidelines.

3. Plaintiff's claims are barred or diminished to the extent he has failed to mitigate or minimize his damages, the existence of which Defendants deny.

WHEREFORE, Defendants AmeriGas Propane, L.P. and Kathy L. Prigmore respectfully request that the claims alleged in the Amended Complaint be dismissed in their entirety with prejudice, and that they be awarded costs of defense and such other relief as allowed by the Court.

March 30, 2017

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/s/ Jason D. Burns

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Attorneys for Defendants

AmeriGas Propane, L.P. and Kathy L. Prigmore

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Answer and Defenses to Plaintiff's Complaint was served by electronic filing delivery and by U.S. Mail this 30th day of March, 2017, upon the following:

Douglas Johnson
281 Broome St.
Catskill, NY 12414

Pro se Plaintiff

/s/ Jason D. Burns

Jason D. Burns